

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 18-32) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now claimed, provides an interactive ball game adaptable for using software associated with a pre-existing computerized game, which includes the pre-existing computerized game and a ball for such pre-existing game. A screen is included upon which the interactive ball game is displayed with the screen acting as a target for the ball and means for player interaction utilizing the ball for permitting a player to strike the ball and directing motion of the ball toward the screen for simulating player participation in the interactive ball game being included. Significantly, the means for player interaction, which involves projecting the ball by the player, functions as the means for inputting data into the pre-existing computerized game and that a data inputting joystick for inputting data, which would otherwise be utilized for the pre-existing computerized game, is not used; instead, the ball projected by the player serves this data-inputting function for the pre-existing computerized game. The motion of the ball after being struck by the player is monitored, or sensed, by ball sensing means for detecting motion of the ball as the ball passes through the ball sensing means, thereby providing the data input function (rather than via a joystick) for the claimed interactive ball game.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a

novel and challenging interactive electronic ball game, which provides a responsive video display in reaction to the trajectory of a ball hit by a player for providing data input for a pre-existing computerized game that would otherwise be accomplished via a joystick, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 18 (and all remaining claims via dependency) to now recite that the interactive electronic ball game of the present invention is adaptable for use with software that is associated with a pre-existing computerized game, which would otherwise use a joystick as data inputting means, but which instead uses the trajectory of a ball.

Independent Claim 18 has further been amended to delete various means-plus-function language cited by the Examiner which did not find sufficient support in Applicant's Specification. As part of the third Office Action, the Examiner had rejected Claims 18-32 as being indefinite, pursuant to 35 U.S.C. §112, second paragraph, on the ground that a portion of the prior recitation of Claim 18 for the "ball sensing means" and the "means for reacting" were not in compliance with the requirements of 35 U.S.C. §112, sixth paragraph.

Applicant has amended independent Claim 18 to now delete the means-plus-function recitations which formed the basis of the Examiner's indefiniteness rejection of the third Office Action. Accordingly, withdrawal of the 35 U.S.C. §112, second paragraph, indefiniteness rejection of Claims 18-32, it is respectfully contended to be appropriate.

Applicant has also amended dependent Claims 23 and 24 to address and overcome the Examiner's claim objections to these claims by adopting the Examiner's suggested and helpful amendments.

Finally, Applicant's Specification has been amended at Page 6 to capitalize the various trademarks listed on this page of Applicant's disclosure, as well as to recite the owners of the respective registered trademarks, as suggested by the Examiner.

Turning now, in detail, to an analysis of the Examiner's prior art rejection, in the third Office Action the Examiner has rejected Claims 18-31 as being obvious, pursuant to 35 U.S.C. §103(a), over *Bair et al.*, U.S. Patent No. 5,846,139, taken in view of *Tillery*, U.S. Patent No. 4,556,219. It is the Examiner's contention that the primarily-applied citation of *Bair et al.* discloses an interactive ball game that uses software for playing an "existing" computerized game, which includes a ball, a housing, a screen, means for player interaction, ball sensing means and means for reacting. (The latter "means for reacting" has now been canceled from Applicant's claims.) It is the Examiner's stated position that *Bair et al.* substantially discloses all of the features of the presently claimed invention, except for a "mesh golf practice cage," which is taught by *Tillery*, secondarily-applied, and which the Examiner deems analogous to Applicant's recited "means for preventing said ball from hitting said screen." The Examiner has therefore concluded that the combination of *Bair et al.*, taken in view of *Tillery*, would yield that which is being claimed by Applicant.

In reply to the Examiner's 35 U.S.C. §103(a) obviousness rejection applying *Bair*

et al., taken in view of Tillery, Applicant respectfully submits that, as now claimed, the present invention recites an interactive ball game that is adaptable for utilizing software associated with a pre-existing computerized game, wherein the data input for the electronic ball game is provided by a player projecting a ball rather than otherwise being provided by a joystick that would normally be used for the pre-existing computerized game. At best, Bair *et al.* is not concerned with modifying a “pre-existing computerized game” for providing data input via the projection by the player of a ball that would otherwise be inputted by a joystick, but, instead, discloses a “new” golf simulator game, thereby not meeting or suggesting the limitation of Applicant’s game for inclusion of a “pre-existing computerized game” as an element of Applicant’s claims.

A further distinction over Bair *et al.* arises from the amended recitation in Applicant’s claims that a “joystick” for inputting data “would otherwise” be used for inputting data into the pre-existing computerized game, but for the use of a ball projected by a player for data inputting, which is not the case for the golf simulator taught by Bair *et al.* There is no teaching or suggestion in Bair *et al.* of using a joystick in connection, or in combination, with the golf simulator disclosed therein. Use of a joystick with the golf simulator of Bair *et al.* is simply not an alternative option for any purpose.

The secondarily-applied citation of Tillery has been cited for its disclosure of a mesh golf practice cage, which pertains to Applicant’s recited means for preventing the ball from hitting the screen of the invention. Combining this feature with that disclosed and claimed by Bair *et al.* would not yield that now claimed by the instant Applicant.

In view of the foregoing, it is respectfully contended that the Examiner's 35 U.S.C. §103(a) obviousness rejection applying *Bair et al.*, taken in view of *Tillery*, has been overcome and should now be withdrawn.

The Examiner has also discussed alternative reasoning for applying *Bair et al.*, taken in view of *Tillery*, in the event that Applicant disagreed with the Examiner's interpretation of whether *Bair et al.* teaches "means for reacting." Applicant has cancelled the "means for reacting" element from his claims and, as such, it is submitted that the Examiner's alternative grounds of supporting the Examiner's contentions of obviousness are respectfully submitted to now be moot.

Alternatively, it is contended for the reason specified above that *Bair et al.* fails to disclose a "pre-existing computerized game" and, as such, combining this citation with the applied secondarily and tertiary references of the third Office Action, which do not address the argued deficiency of *Bair et al.*, would still fail to yield that which is now recited by Applicant's newly-amended claims.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 18-32) recite a novel and challenging interactive electronic ball game, which provides a responsive video display in reaction to the trajectory of a ball hit by a player for providing data input for a pre-existing computerized game that would otherwise be accomplished via a joystick, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstand-

ing rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$555.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.